

ESTTA Tracking number: **ESTTA418715**

Filing date: **07/08/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Atlanta National League Baseball Club, Inc.
Granted to Date of previous extension	07/10/2011
Address	755 Hank Aaron Drive Atlanta, GA 30315 UNITED STATES
Attorney information	Elise Kasell Cowan, Liebowitz & Latman 1133 Avenue of the Americas New York, NY 10036 UNITED STATES eck@cll.com, jmn@cll.com, trademark@cll.com Phone:212-790-9200

Applicant Information

Application No	77957099	Publication date	01/11/2011
Opposition Filing Date	07/08/2011	Opposition Period Ends	07/10/2011
Applicant	Disney Enterprises, Inc. 500 South Buena Vista Street Burbank, CA 91521 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Clothing, namely, beachwear; belts; bottoms; cloaks; cloth bibs; coats; chaps; costumes for use in role-playing games; beach cover-ups; dresses; ear muffs; gloves; Halloween costumes; hosiery; infantwear; jackets; leotards; lingerie; loungewear; mittens; overalls; pants; ponchos; rainwear; scarves; shirts; shorts; sleepwear; socks; sweaters; sweatshirts; swimwear; suits; ties; tops; underwear; wrist bands; footwear; headwear

Applicant Information

Application No	77957101	Publication date	01/18/2011
Opposition Filing Date	07/08/2011	Opposition Period Ends	
Applicant	Disney Enterprises, Inc. 500 South Buena Vista Street Burbank, CA 91521 UNITED STATES		

Goods/Services Affected by Opposition

Class 024.

All goods and services in the class are opposed, namely: Afghans; barbecue mitts; bath linen; bed blankets; bed canopies; bed linen; children's blankets; cloth pennants; crib bumpers; curtains; fabrics for textile use; fabric flags; felt pennants; handkerchiefs; household linen; kitchen linen; receiving blankets; silk blankets; throws; table linen; towels; textile fabrics for home interiors; woollen blankets

Applicant Information

Application No	77957111	Publication date	01/25/2011
Opposition Filing Date	07/08/2011	Opposition Period Ends	
Applicant	Disney Enterprises, Inc. 500 South Buena Vista Street Burbank, CA 91521 UNITED STATES		

Goods/Services Affected by Opposition

Class 018.

All goods and services in the class are opposed, namely: All purpose sport bags; athletic bags; baby backpacks; backpacks; beach bags; book bags; calling card cases; change purses; coin purses; diaper bags; duffel bags; fanny packs; gym bags; handbags; knapsacks; key cases; leather key chains; luggage; luggage tags; overnight bags; purses; satchels; leather and mesh shopping bags; tote bags; umbrellas; waist packs; wallets

Applicant Information

Application No	77957108	Publication date	01/25/2011
Opposition Filing Date	07/08/2011	Opposition Period Ends	
Applicant	Disney Enterprises, Inc. 500 South Buena Vista Street Burbank, CA 91521 UNITED STATES		

Goods/Services Affected by Opposition

Class 020.

All goods and services in the class are opposed, namely: Furniture; decorative glitter; figurines and statuettes made of plaster, plastic, wax, or wood; hand fans; picture frames; sleeping bags; mirrors; plastic name badges; pillows; wind chimes; window blinds

Applicant Information

Application No	77957107	Publication date	01/25/2011
Opposition Filing Date	07/08/2011	Opposition Period Ends	
Applicant	Disney Enterprises, Inc. 500 South Buena Vista Street Burbank, CA 91521 UNITED STATES		

Goods/Services Affected by Opposition

Class 021.

All goods and services in the class are opposed, namely: Beverageware; beverage glassware; bowls; brooms; cake pans; cake molds; cake servers; candle holders not of precious metal; candle snuffers; candlesticks; canteens; coasters not of paper and not being table linen; cookie jars; cookie cutters; cork screws; cups; decorating bags for confectioners; decorative crystal prisms; decorative glass not for building; decorative plates; dinnerware; dishes; figurines made of ceramic, china, crystal, earthenware, glass, or porcelain; hair brushes; hair combs; heat-insulated vessels; household containers for food and beverages; insulating sleeve holders for beverage containers; lunch boxes; mugs; napkin holders; napkin rings not of precious metals; paper cups; paper plates; pie pans; pie servers; plastic cups; plates; sports bottles sold empty; soap dishes; tea kettles; tea sets; thermal insulated containers for food or beverage; toothbrushes; trays not of precious metal; trivets; vacuum bottles; waste baskets

Applicant Information

Application No	77957116	Publication date	02/08/2011
Opposition Filing Date	07/08/2011	Opposition Period Ends	
Applicant	Disney Enterprises, Inc. 500 South Buena Vista Street Burbank, CA 91521 UNITED STATES		

Goods/Services Affected by Opposition

Class 009.

All goods and services in the class are opposed, namely: Audio and video recordings featuring animation, live-action entertainment, music, fictional stories and games; audio and visual recordings in all media featuring animation, live-action entertainment, music, fictional stories and games; pre-recorded audio discs and compact discs featuring music, fictional stories and games; audio speakers; camcorders; cameras; computer game software pre-recorded on CD-ROMs; computer hardware, namely, CD-ROM drives, CD-ROM writers, and computer modems; cellular telephones; cellular telephone accessories, namely, headphones, head sets, adapter plugs and batteries for cellular telephones; cellular telephone cases; electronic chips containing musical recordings; face plates for cellular telephones; compact disc players; compact disc recorders; hand-held units for playing electronic games for use with an external display screen or monitor; computer game programs; computer game cartridges and discs; computers; computer hardware; computer keyboards; computer monitors; computer mice; computer disc drives; computer game software; cordless telephones; decorative refrigerator magnets; digital cameras; Pre-recorded DVDs, digital versatile discs and digital video discs featuring live-action entertainment and animated entertainment, motion picture films featuring live action and animated entertainment, and television shows featuring live action and animated entertainment; DVD players; DVD recorders; electronic personal organizers; eyeglass cases; eyeglasses; headphones; karaoke machines; microphones; MP3 players; MP4 players; mouse pads; motion picture films featuring live action and animated entertainment; musical recordings; pagers; personal stereos; video disc players; personal video disc players; personal digital assistants; printers; radios; sunglasses; sunglass cases; telephones; television sets; video cameras; video cassette recorders; video cassette players; video game cartridges; video game discs; pre-recorded video cassettes featuring animated and live action entertainment; videophones; walkie-talkies; wrist and arm rests for use with computers

Applicant Information

Application No	77957076	Publication date	02/15/2011
Opposition Filing Date	07/08/2011	Opposition Period Ends	
Applicant	Disney Enterprises, Inc. 500 South Buena Vista Street Burbank, CA 91521 UNITED STATES		

Goods/Services Affected by Opposition

Class 041.

All goods and services in the class are opposed, namely: Production, presentation, distribution, and rental of motion picture films; production, presentation, distribution, and rental of television and radio programs; production, presentation, and rental of sound and visual recordings; production of live-action and animated entertainment shows and interactive programs for distribution via audio and visual media, and electronic means; production and provision of entertainment news and entertainment information via communication and computer networks; amusement park and theme park services; educational and entertainment services rendered in or relating to theme parks, namely, live stage shows, live amusement park shows, live performances by costumed characters, and presentation of live theatrical performances; presentation of live stage shows; presentation of live show performances; theater productions; entertainer services, namely, live appearances by a professional entertainer

Applicant Information

Application No	77957113	Publication date	02/08/2011
Opposition Filing Date	07/08/2011	Opposition Period Ends	
Applicant	Disney Enterprises, Inc. 500 South Buena Vista Street Burbank, CA 91521 UNITED STATES		

Goods/Services Affected by Opposition

Class 016.

All goods and services in the class are opposed, namely: Address books; almanacs; appliqué's in the form of decals; appointment books; art prints; arts and craft paint kits; autograph books; baby books; ball point pens; baseball cards; binders; bookends; bookmarks; a series of fiction books; books, magazines, newsletters and periodicals, featuring fictional stories, games and activities; bumper stickers; calendars; cartoon strips; Christmas cards; chalk; children's activity books; coasters made of paper; coin albums; coloring books; color pencils; comic books; comic strips; coupon books; decals; decorative paper centerpieces; diaries; disposable diapers for babies; drawing rulers; envelopes; erasers; felt pens; flash cards; gift cards; gift wrapping paper; globes; greeting cards; guest books; maps; memo pads; modeling clay; newspapers; note paper; notebooks; notebook paper; paintings; paper flags; paper party favors; paper cake decorations; paper party decorations; paper napkins; paper party bags; paperweights; paper gift wrap bows; paper pennants; paper place mats; paper table cloths; pen and pencil holders; pencils; pencil sharpeners; pen and pencil cases and boxes; pens; photograph albums; photographs; photo-engravings; pictorial prints; picture books; portraits; postcards; posters; printed awards; printed certificates; printed invitations; printed menus; recipe books; rubber stamps; score cards; stamp albums; stationery; staplers; stickers; trading cards; ungraduated rulers; writing paper; writing implements

Applicant Information

Application No	77957094	Publication date	02/15/2011
Opposition Filing Date	07/08/2011	Opposition Period Ends	
Applicant	Disney Enterprises, Inc. 500 South Buena Vista Street Burbank, CA 91521 UNITED STATES		

Goods/Services Affected by Opposition

Class 028.

All goods and services in the class are opposed, namely: Action skill games; action figures and accessories therefor; board games; card games; children's multiple activity toys; balloons; bath toys; bean bags; bean bag dolls; toy building blocks; bubble making wands and solution sets; chess sets; children's play cosmetics; Christmas stockings; Christmas tree ornaments and decorations; collectable toy figures; crib mobiles; crib toys; disc toss toys; dolls; doll clothing; doll accessories; doll playsets; electric action toys; equipment sold as a unit for playing card games; hand-held units for playing electronic games other than those adapted for use with an external display screen or monitor; inflatable toys; jigsaw puzzles; kites; magic tricks; marbles; manipulative games; mechanical toys; music box toys; musical toys; parlor games; party favors in the nature of small toys; paper party hats; party games; playing cards; plush toys; puppets; spinning tops; squeeze toys; stuffed toys; talking toys; teddy bears; toy action figures and accessories therefor; toy bucket and shovel sets; toy mobiles; toy vehicles; toy scooters; toy cars; toy model hobbycraft kits; toy figures; toy banks; toy trucks; toy watches; wind-up toys; yo-yos

Grounds for Opposition

Other	See attached pleading.
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Attachments	Letter to Commissioner BRAVE (Disney) Consolidated NOO.pdf (1 page) (68970 bytes) BRAVE (Disney) Consolidated NOO.pdf (10 pages) (27670 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Elise Kasell/
Name	Elise Kasell
Date	07/08/2011



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July 8, 2011

By Electronic Filing

Commissioner for Trademarks
Attn: TTAB
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Atlanta National League Baseball Club, Inc.
Consolidated Notice of Opposition Against
Disney Enterprises, Inc.
Applications to register BRAVE
Ref. No. 21307.010

Dear Commissioner:

We enclose a Consolidated Notice of Opposition against Application Serial Numbers 77/957,099, 77/957,101, 77/957,111, 77/957,108, 77/957,107, 77/957,116, 77/957,076, 77/957,113, and 77/957,094 published in the Official Gazette on January 11, 2011, January 18, 2011, January 25, 2011, February 8, 2011 and February 15, 2011. Contemporaneously with the electronic filing of this Consolidated Notice of Opposition, we are arranging for an electronic payment in the amount of \$2700 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Elise C. Kasell/
Elise C. Kasell

Enclosures

cc: Ms. Diane Kovach (w/encs. – by fax)
Mary L. Kevlin, Esq. (w/encs.)
Richard S. Mandel, Esq. (w/encs.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial Nos. 77/957,099; 77/957,101; 77/957,111; 77/957,108; 77/957,107;
77/957,116; 77/957,076; 77/957,113; and 77/957,094

Filed: March 11, 2010

For Mark: BRAVE

Published in the Official Gazette: January 11, 2011; January 18, 2011; January 25, 2011;
February 8, 2011; and February 15, 2011

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ATLANTA NATIONAL LEAGUE BASEBALL CLUB, INC.,	:	Consolidated Opposition No.
	:	
Opposer,	:	
	:	
v.	:	<u>CONSOLIDATED NOTICE OF</u>
	:	<u>OPPOSITION</u>
DISNEY ENTERPRISES, INC.,	:	
Applicant.	:	
-----X		

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer, Atlanta National League Baseball Club, Inc. (“Opposer”), a Georgia corporation, with offices at 755 Hank Aaron Drive, Atlanta, Georgia 30315, believes that it will be damaged by registration of the standard character word mark BRAVE in International Class 25 for “Clothing, namely, beachwear; belts; bottoms; cloaks; cloth bibs; coats; chaps; costumes for use in role-playing games; beach cover-ups; dresses; ear muffs; gloves; Halloween costumes; hosiery; infantwear; jackets; leotards; lingerie; loungewear; mittens; overalls; pants; ponchos; rainwear; scarves; shirts; shorts; sleepwear; socks; sweaters; sweatshirts; swimwear; suits; ties; tops; underwear; wrist bands; footwear; headwear” as shown in Application Serial No. 77/957,099 (the “Class 25 Application”); in International Class 24 for “Afghans; barbecue mitts;

bath linen; bed blankets; bed canopies; bed linen; children's blankets; cloth pennants; crib bumpers; curtains; fabrics for textile use; fabric flags; felt pennants; handkerchiefs; household linen; kitchen linen; receiving blankets; silk blankets; throws; table linen; towels; textile fabrics for home interiors; woollen blankets” as shown in Application Serial No. 77/957,101 (the “Class 24 Application”); in International Class 18 for “All purpose sport bags; athletic bags; baby backpacks; backpacks; beach bags; book bags; calling card cases; change purses; coin purses; diaper bags; duffel bags; fanny packs; gym bags; handbags; knapsacks; key cases; leather key chains; luggage; luggage tags; overnight bags; purses; satchels; leather and mesh shopping bags; tote bags; umbrellas; waist packs; wallets” as shown in Application Serial No. 77/957,111 (the “Class 18 Application”); in International Class 20 for “Furniture; decorative glitter; figurines and statuettes made of plaster, plastic, wax, or wood; hand fans; picture frames; sleeping bags; mirrors; plastic name badges; pillows; wind chimes; window blinds” as shown in Application Serial No. 77/957,108 (the “Class 20 Application”); in International Class 21 for “Beverageware; beverage glassware; bowls; brooms; cake pans; cake molds; cake servers; candle holders not of precious metal; candle snuffers; candlesticks; canteens; coasters not of paper and not being table linen; cookie jars; cookie cutters; cork screws; cups; decorating bags for confectioners; decorative crystal prisms; decorative glass not for building; decorative plates; dinnerware; dishes; figurines made of ceramic, china, crystal, earthenware, glass, or porcelain; hair brushes; hair combs; heat-insulated vessels; household containers for food and beverages; insulating sleeve holders for beverage containers; lunch boxes; mugs; napkin holders; napkin rings not of precious metals; paper cups; paper plates; pie pans; pie servers; plastic cups; plates; sports bottles sold empty; soap dishes; tea kettles; tea sets; thermal insulated containers for food or beverage; toothbrushes; trays not of precious metal; trivets; vacuum bottles; waste baskets” as shown in

Application Serial No. 77/957,107 (the “Class 21 Application”); in International Class 9 for “Audio and video recordings featuring animation, live-action entertainment, music, fictional stories and games; audio and visual recordings in all media featuring animation, live-action entertainment, music, fictional stories and games; pre-recorded audio discs and compact discs featuring music, fictional stories and games; audio speakers; camcorders; cameras; computer game software pre-recorded on CD-ROMs; computer hardware, namely, CD-ROM drives, CD-ROM writers, and computer modems; cellular telephones; cellular telephone accessories, namely, headphones, head sets, adapter plugs and batteries for cellular telephones; cellular telephone cases; electronic chips containing musical recordings; face plates for cellular telephones; compact disc players; compact disc recorders; hand-held units for playing electronic games for use with an external display screen or monitor; computer game programs; computer game cartridges and discs; computers; computer hardware; computer keyboards; computer monitors; computer mice; computer disc drives; computer game software; cordless telephones; decorative refrigerator magnets; digital cameras; Pre-recorded DVDs, digital versatile discs and digital video discs featuring live-action entertainment and animated entertainment, motion picture films featuring live action and animated entertainment, and television shows featuring live action and animated entertainment; DVD players; DVD recorders; electronic personal organizers; eyeglass cases; eyeglasses; headphones; karaoke machines; microphones; MP3 players; MP4 players; mouse pads; motion picture films featuring live action and animated entertainment; musical recordings; pagers; personal stereos; video disc players; personal video disc players; personal digital assistants; printers; radios; sunglasses; sunglass cases; telephones; television sets; video cameras; video cassette recorders; video cassette players; video game cartridges; video game discs; pre-recorded video cassettes featuring animated and live action

entertainment; videophones; walkie-talkies; wrist and arm rests for use with computers” as shown in Application Serial No. 77/957,116 (the “Class 9 Application”); in International Class 16 for “Address books; almanacs; appliqués in the form of decals; appointment books; art prints; arts and craft paint kits; autograph books; baby books; ball point pens; baseball cards; binders; bookends; bookmarks; a series of fiction books; books, magazines, newsletters and periodicals, featuring fictional stories, games and activities; bumper stickers; calendars; cartoon strips; Christmas cards; chalk; children's activity books; coasters made of paper; coin albums; coloring books; color pencils; comic books; comic strips; coupon books; decals; decorative paper centerpieces; diaries; disposable diapers for babies; drawing rulers; envelopes; erasers; felt pens; flash cards; gift cards; gift wrapping paper; globes; greeting cards; guest books; maps; memo pads; modeling clay; newspapers; note paper; notebooks; notebook paper; paintings; paper flags; paper party favors; paper cake decorations; paper party decorations; paper napkins; paper party bags; paperweights; paper gift wrap bows; paper pennants; paper place mats; paper table cloths; pen and pencil holders; pencils; pencil sharpeners; pen and pencil cases and boxes; pens; photograph albums; photographs; photo-engravings; pictorial prints; picture books; portraits; postcards; posters; printed awards; printed certificates; printed invitations; printed menus; recipe books; rubber stamps; score cards; stamp albums; stationery; staplers; stickers; trading cards; ungraduated rulers; writing paper; writing implements” as shown in Application Serial No. 77/957,113 (the “Class 16 Application”); in International Class 28 for “Action skill games; action figures and accessories therefor; board games; card games; children's multiple activity toys; balloons; bath toys; bean bags; bean bag dolls; toy building blocks; bubble making wands and solution sets; chess sets; children’s play cosmetics; Christmas stockings; Christmas tree ornaments and decorations; collectable toy figures; crib mobiles; crib toys; disc toss toys; dolls;

doll clothing; doll accessories; doll playsets; electric action toys; equipment sold as a unit for playing card games; hand-held units for playing electronic games other than those adapted for use with an external display screen or monitor; inflatable toys; jigsaw puzzles; kites; magic tricks; marbles; manipulative games; mechanical toys; music box toys; musical toys; parlor games; party favors in the nature of small toys; paper party hats; party games; playing cards; plush toys; puppets; spinning tops; squeeze toys; stuffed toys; talking toys; teddy bears; toy action figures and accessories therefor; toy bucket and shovel sets; toy mobiles; toy vehicles; toy scooters; toy cars; toy model hobbycraft kits; toy figures; toy banks; toy trucks; toy watches; wind-up toys; yo-yos” as shown in Application Serial No. 77/957,094 (the “Class 28 Application”); in International Class 41 for “Production, presentation, distribution, and rental of motion picture films; production, presentation, distribution, and rental of television and radio programs; production, presentation, and rental of sound and visual recordings; production of live-action and animated entertainment shows and interactive programs for distribution via audio and visual media, and electronic means; production and provision of entertainment news and entertainment information via communication and computer networks; amusement park and theme park services; educational and entertainment services rendered in or relating to theme parks, namely, live stage shows, live amusement park shows, live performances by costumed characters, and presentation of live theatrical performances; presentation of live stage shows; presentation of live show performances; theater productions; entertainer services, namely, live appearances by a professional entertainer” as shown in Application Serial No. 77/957,076 (the “Class 41 Application”) (collectively, the “Applications”), and having been granted extensions of time to oppose up to and including July 10, 2011 (for the Class 25 Application), July 17, 2011 (for the Class 24 Application), July 24, 2011 (for the Class 18 Application, the Class 20

Application and the Class 21 Application), August 7, 2011 (for the Class 9 Application and for the Class 16 Application) and August 14, 2011 (for the Class 28 Application and for the Class 41 Application), respectively, hereby opposes the same.

As grounds for the consolidated opposition, it is alleged that:

1. Opposer is the owner of the renowned ATLANTA BRAVES MAJOR LEAGUE BASEBALL club.

2. Since long prior to March 11, 2010, Applicant's constructive first use date in connection with the Applications, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the name or mark BRAVES or BRAVE, alone or with other word, letter and/or design elements, in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, cable television broadcast services, production services, providing website featuring sports, entertainment and related topics, live performances by costumed characters and performances featuring costumed characters exhibited over television, satellite, video media and via a global computer network, audio discs, cell phones and accessories, cameras, video and computer game discs, computer accessories, sunglasses, jewelry, clocks, bags, umbrellas, wallets, bath linen, bed linen, blankets, throws, towels, furniture, picture frames, pillows, cups and mugs, decorative plates, cookie jars, dishes, lunch boxes, sports bottles, toothbrushes, wastebaskets, clothing, footwear and headwear, paper goods and printed matter, including baseball cards, notebooks, pens and pencils, binders, stationary, preprinted agenda organizers, calendars, greeting cards, gift wrapping paper, photograph albums, trading cards, stickers, paper party decorations, and balloons, toys and sporting goods, and novelty items, and the word BRAVE has been used by the press, media, fans

and the public to refer to the Club's individual baseball players, coaches and managers (collectively, "Opposer's BRAVES Marks").

3. Opposer owns United States federal registrations and an application for Opposer's BRAVES Marks in International Classes 6, 9, 11, 14, 16, 18, 20, 21, 24, 25, 26, 28, 34, 38 and 41; namely, Registration Nos. 829,308; 829,309; 845,032; 1,484,697; 1,561,774; 1,562,115; 1,596,052; 1,620,113; 2,671,045; 3,090,297; 3,138,398; 3,327,473; 3,327,474; 3,382,988; 3,382,989; 3,542,468; 3,532,500; 3,656,280; 3,656,281; 3,656,282; 3,656,283; 3,656,284; 3,656,285; 3,656,286; 3,656,287; 3,656,289; 3,659,716; 3,753,494; 3,764,026; 3,785,096; 3,785,097; 3,785,098 and 3,785,099 and Application Serial No. 85/201,924. Opposer's Registration Nos. 829,308; 829,309; 845,032; 1,484,697; 1,561,774; 1,562,115; 1,596,052 and 2,671,045 are incontestable.

4. Since long prior to March 11, 2010, Applicant's constructive first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Opposer's BRAVES Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, cable television broadcast services, production services, providing website featuring sports, entertainment and related topics, live performances by costumed characters and performances featuring costumed characters exhibited over television, satellite, video media and via a global computer network, audio discs, cell phones and accessories, cameras, video and computer game discs, computer accessories, sunglasses, jewelry, clocks, bags, umbrellas, wallets, bath linen, bed linen, blankets, throws, towels, furniture, picture frames, pillows, cups and mugs, decorative plates, cookie jars, dishes, lunch boxes, sports bottles, toothbrushes, wastebaskets, clothing,

footwear and headwear, paper goods and printed matter, including baseball cards, notebooks, pens and pencils, binders, stationary, preprinted agenda organizers, calendars, greeting cards, gift wrapping paper, photograph albums, trading cards, stickers, paper party decorations, and balloons, toys and sporting goods, and novelty items, and have offered such goods and rendered such services in commerce.

5. As a result of the sales and promotion of its goods and services bearing or offered in connection with Opposer's BRAVES Marks, Opposer has built up highly valuable goodwill in Opposer's BRAVES Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On March 11, 2010, Applicant filed the Applications for the standard character word mark BRAVE for the goods and services in International Classes 9, 16, 18, 20, 21, 24, 25, 28, and 41 as set forth in full above, each based on an intent to use.

7. Upon information and belief, Applicant did not use the mark BRAVE for the goods and services covered in the Applications in United States commerce prior to its constructive first use date of March 11, 2010.

8. The goods and services covered by the Applications are identical and/or closely related to the goods offered and services rendered in connection with Opposer's BRAVES Marks.

9. Applicant's BRAVE mark so resembles Opposer's BRAVES Marks as to be likely, when used in connection with Applicant's goods and services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods and services have their origin with Opposer and/or that such goods and services are

approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of certificates of registration for Applicant's BRAVE mark.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's BRAVE mark and requests that the consolidated opposition be sustained and said registrations be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel and Elise C. Kasell (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York
July 8, 2011

Respectfully submitted,

COWAN LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: /Elise C. Kasell/

Mary L. Kevlin
Richard S. Mandel
Elise C. Kasell
1133 Avenue of the Americas
New York, New York 10036
(212)790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on July 8, 2011, I caused a true and correct copy of the foregoing Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant's Attorney and Correspondent of Record, Brian A. Rupp, The Walt Disney Company, 500 S. Buena Vista Street, Burbank, California 91521-0007 with a courtesy copy to Kevin Daley, The Walt Disney Company, 500 S. Buena Vista Street, Burbank, California 91521-0007.

/Elise C. Kasell/
Elise C. Kasell